

REMARKS

Claims 5-8 and 42-46 remain in this application.

Claims 42-46 have been allowed.

Newly rejected claims 12, 13 and 20-23 have been canceled.

Method claims 5 and 6 have been amended to include the limitations from apparatus claims 42 and 44. In claim 5, the counter value is now incremented in response to the audio status signal indicating "that audio program content is imminent in an audio signal from said audio device;". In claim 6, the counter value is now decremented in response to an audio status signal indicating "that audio program content is not included in an audio signal from an audio device;".

It is believed that adding these limitations which are taken from claims 42 and 44 make them definite under 35 USC 112 second paragraph and further that the statement of reasons for allowance of claims 42-46 now apply to claims 5-8 as well.

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It is believed that this application is now in condition for allowance and an early issue date will be appreciated.

Respectfully submitted,

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